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3/23/2016

County of San Luis Obispo Planning Commission

1055 Monterey St.

Rm. D170

San Luis Obispo, CA 93408

Re: DRC2015-00047

Applicant: Dean Vadnais

Recycling Collection Station

Hearing Date: 3/24/2016

Dear Planning Commissioners:

This office represents the applicant in the above matter. This letter is submitted as a portion of the applicant's presentation in this matter and should be made a part of the commission's file.

This application presents the Commission with a choice between supporting a recycling collection station or imposing arbitrary and unwarranted conditions that threaten its viability. As stated in section D below, County Code Enforcement shut down the facility for two weeks in 2015 by wrongfully imposing the distance restriction for Scrap Processing facilities (CZLOU Section 23.08.097c) to this recycling collection station (CZLUO Section 23.08.098.) I attach a copy of the letter from Code Enforcement dated 8/27/2015 which incorrectly states that the facility is "not allowed due to its proximity to residential land use classifications." This unwarranted action injured the financial viability of the collection station in much the same manner as the two arbitrary and unnecessary conditions discussed in Section C below. The Applicants asks that the Permit be issued without the condition stated in Exhibit B – Conditions of Approval #3 through #9, #12 and #14 and #15.

A. Recycling Collection Stations Are Closing or in Critical Condition All Around the County

I am attaching a copy of an article from the Bay News of 3/9/3016 which describes the critical state of local recycling collection stations in the County. The State has reduced its payments to the stations and, when this reduction is combined with lower commodity prices and increased wage costs, the slim profitability of collection stations is virtually eliminated. This particular station is special because it is locally owned and owner operated. The absence of a payroll makes the facility viable.

B. The Subject Station Serves a Significant Public Interest.

The Applicant agrees with the Staff's conclusion that the Special Use Standard should be modified to allow the existing as-built facility. The modular structures have been built to hide the collection bins and blend into the existing commercial retail center.

This is the only recycling collection station available to the Cambria community. As such it serves a significant public interest which is threatened by the financial circumstances stated in the Bay News article.

C. Two Conditions Suggested by the Staff Arbitrarily Threaten the Collection Station.

1. No Crushing Permitted. S (Exhibit B #14)

This condition is arbitrary and not based in any Code provision. Crushing is essential to the profitable operation of this collection facility. As far as we know, no other collection facility in the County has been prevented from crushing collected items. The RePlanet facilities in Morro Bay (now defunct) used a crusher on a regular basis.

The closest processing facility to Cambria is located in Santa Maria, approximately 66 miles distant. Crushing collected items allows the operator to make fewer round trips to Santa Maria, reduces air pollution and fuel costs, and reduces the operator's operating costs. In short, crushing is an essential element to maintaining the viability of the facility.

2. Building Permit. (Exhibit B #3 through #9, #12, #15)

Employing an engineer to draft plans for the as-built facility is an additional hardship and not justified for any public purpose. These structures are modular and temporary, without foundations, not intended for occupation for either residential or retail purposes. The facility will have no impact on school or public facilities.

The Applicant asks that these conditions be eliminated.

D. The Opposition by Mr. and Mrs. Morrison is Misleading and in Bad Faith.

On 3/23/2016 we received a copy of the letter from the attorneys for Mr. and Mrs. Morrison. The commission should be aware that this letter is incorrect and misleading in two very obvious ways.

1. **This is not a Scrap Processing Facility.** Generally speaking, the letter attempts to apply (on virtually every page) the requirements of scrap processing facilities to a collection station. The attorney incorrectly attempts to apply the limitation found in CZLUO Section 23.08.097 (Recycling and Scrap) to this collection station CALUO Section 23.08.098. The portion of the Allowable Use Table attached to the letter clearly shows that a collection station is allowed in this commercial retail zone.

The Morrison's attorney is either ignorant of the statutory scheme dividing collection stations from scrap processing stations or is intentionally hoping to mislead the commission. Attached hereto is a copy of the operator's certification for the **collection** (not processing) of aluminum, glass, plastic and bimetal. Compare Public Resource Code Section 14518 (processor) to Section 14520 (recycling collection station.)

2. **The Photographs Attached to the Letter Are Misleading.** The attorney attaches 6 undated photographs claiming that they are evidence of "flagrant" code violations. These photographs were clearly taken before the structures were added to the facility and are immaterial to this application.

E. The Applicants asks that the Permit be issued without the condition stated in Exhibit B – Conditions of Approval #3 through #9, #12 and #14 and #15.

Respectfully Submitted,



Russell S. Read

Tolosa Press (Bay News)

Recycling Center Closures Causing Hardships

[March 9, 2016 Tolosa Staff](#)

By Neil Farrell ~

If you collect recyclable cans and bottles for cash redemption, the choices for where to redeem them have become fewer and farther between, after a recycling company closed two centers in Morro Bay and one in Los Osos.

According to Bill Worrell, executive director of the Integrated Waste Management Authority, the company, rePlanet, closed some 191 recycling centers on Jan. 31 mostly in Northern California, laying off 278 employees. The abrupt closures were because the State agency that subsidizes them, CalRecycle, “reduced the amount of payment and that, along with lower market prices for the recyclables, caused the sites to close.”

The rePlanet closures come on top of additional closures of independent recycling centers, which the State has no idea as to how many. Worrell said they were caught off guard. “The IWMA did not know this was going to happen,” he told Tolosa Press. “Apparently it has been a problem throughout California.”

According to an email from CalRecycle, which Worrell shared, “These [closed] centers primarily purchased only California Redemption Value [CRV] beverage containers. This represents a mere 10% of all certified recycling centers; however, the majority of these closures were located in Northern California.”

CalRecycle continued, “The payment reductions come at a time when, as everyone knows, commodity prices are at a low point, and have been declining for a few years. The redemption centers rely on commodity sales for perhaps one-third to one-half of their total revenues.

“The implications of these closures is that it will be harder for Californians to receive the refunds that are due to them on deposit beverage containers.”

RePlanet issued a news release on its website (rePlanet.com). “Following the most recent reduction in State fees on Jan. 1, 2016 and after enduring 12 months of unprecedented declines in commodities pricing of aluminum and PET plastic, coupled with the mandated rise in operating costs as a result of minimum wage increases and required health and workers compensation

insurance, the Company has concluded that operation of these recycling centers is no longer sustainable.”

RePlanet said it has been working with CalRecycle to address the problems. “Change is needed and rePlanet will continue to work diligently with the State of California and the Division of Recycling to develop solutions that will keep containers out of landfills and ensure the viability of the recycling industry long into the future.”

It acknowledges the closures are causing a hardship. “We know these site closures will have a significant impact on our employees, grocer partners, customers and the recycling community at large. If and when the State makes the necessary changes that allow us to operate profitably, we welcome the opportunity to reopen as many recycling centers as possible.”

Several recycling centers in SLO County remain open, including seven owned by rePlanet, but the closest one to Morro Bay and Los Osos is in SLO at Target on Los Osos Valley Road. There is another in Cambria at 1275 Tamson Dr.

Two others in SLO remain open at 3900 Broad St., (Marigold Center) and 277 Higuera St., (at the now closed Smart & Final Store). Arroyo Grande has three, at 564 Mesa View Dr., (by S. Halcyon Drive), 890 Sheridan Rd., and 1464 Grand Ave., (at Courtland). Paso Robles has three, and Nipomo and Oceano one each (12 total in SLO County). There is of course, no guarantee that the issues that forced the site closures won’t force more centers to do likewise.

And those distant sites likely do little good for people in the Estero Bay communities, who depend on the recycling monies, in particular the homeless and poor, as transporting cans and bottles by vehicle would likely eat up much of the money they get.

And for a person without a car, taking multiple large bags of bottles and cans on a bus, while allowed, could prove to be troublesome.

CalRecycle has a toll-free phone number to call with questions, 1-800-RECYCLE, and offers some options:

- To find other recycling opportunities, a list of operational programs is available on our website. Users can input a local zip code, and the nearest recycling center, or other program, will be displayed (see: www.calrecycle.ca.gov/BevContainer/Recyclers/Directory/Default.aspx?lang=en-US).
- In some areas, new recycling center operators may fill the vacancy left by rePlanet. Consumers with small amounts of material may be able to hold onto the material until that happens.
- In other areas, after a few months of no service from a certified recycling center, some retailers who sell CRV beverage containers may be required to redeem in store, and consumers can return the containers there for a return of the CRV they paid.

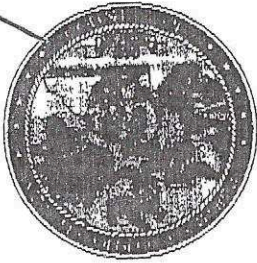
- Consumers who do not wish to receive their CRV back can either donate material to certified drop off or collection programs, non-profit community service programs, or place materials in their curbside recycling bin, if they have access to such a program.

The issue reveals the difficulty of having a mandatory program of recycling, verses depending on commodity markets to pay for much of it. Too much recycled material is causing the markets to slump worldwide and Worrell said the reimbursement shortfall is affecting the garbage companies too.

“As part of their franchise agreements with each city,” Worrell explained, “the garbage companies are required to recycle the blue bin material. The Materials Recovery Facility at Cold Canyon Landfill [the only landfill north of Cuesta Grade] recycles about 90% of what it receives; the other 10% is contamination, which is not recyclable. Contamination includes non-recyclable items such as Styrofoam, plastic bags and batteries. The bottom line is that getting less money for recyclables is still better than paying a landfill tip fee.”

Worrell said the State has a contingency policy for this but it takes a while to get done, so he’s asking the State to hurry it up. “There is a process that CalRecycle follows,” Worrell said, “that will result in either a new recycling center opening or the stores having to take the material back. This process can take up to 5 months.”

There isn’t much his agency can do about this. “The IWMA has no authority over this program, it is run by the State of California,” he said. “I have been in contact with CalRecycle and tried to expedite the process to open new centers as much as I can.”



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

August 27, 2015

Dean Vadnais
1211 Maricopa Highway 205
Ojai CA 93023

RE: Recycling Center in Cambria COD2014-00368

Mr. Vadnais:

In April of 2015 you and your tenant operating the referenced recycling center at 1253 Tamsen Street, Cambria were notified that the use was not allowed at that location and that it was operating without benefit of a permit. Since that time we have seen no application for a new center and has continued to operate at the same location.

While we understand that Mr. Rodriguez has been exploring other venues, we cannot continue to allow the use at that location due to the simple fact that under ordinance regulations it is not allowed due to its proximity to residential land use classifications. *

Consequently the recycle station must cease operation at the location by September 18, 2015. The structure and associated support items may remain at the site until September 25, 2015 after which the area must be cleared.

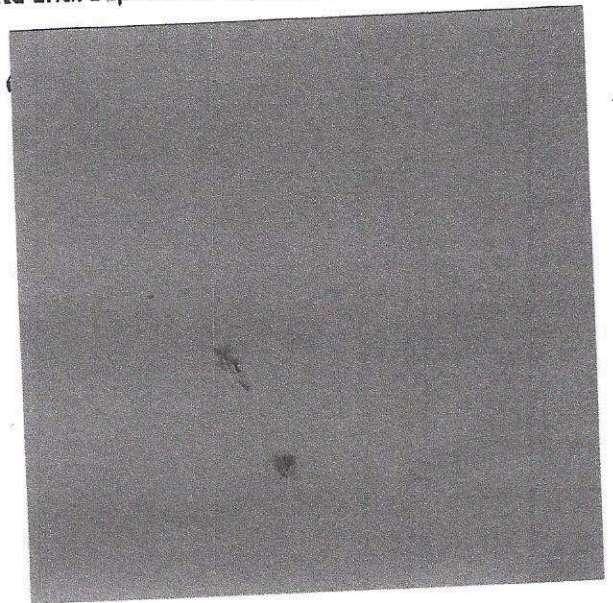
Should you have questions, please feel free to contact me.

Sincerely

A handwritten signature in dark ink, appearing to read "Art Trinidade".

ART TRINIDADE
Code Enforcement Supervisor
(805)781-5705
atrinidade@co.slo.ca.us

c Rudy Rodriguez
Cherie McKee



State of California



Division of Recycling

Certification is Non-Transferable

Certified Recycling Center

Certificate issued to:

Contact Person: **Rudy Rodriguez**
Organization: **All American Recycling**
Facility/DBA: **All American Recycling**
1275 Tamson Dr
Cambria CA 93428

For Collection Of:
Aluminum
Glass
Plastic
Bimetal

A handwritten signature in blue ink that reads "George K. Darker".

Certification and Registration Branch Chief
Division of Recycling

Issued by: Certification Number: **RC14883**
Probationary End Date: **N/A**
Renewal Expiration Date: **06/30/2020**